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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

NADINE JOHNSON
6434 N. 15th Street
Philadelphia, PA 19126

Plaintiff

vs.

NCO FINANCIAL SYSTEMS INC.
513 Pennsylvania Avenue
Fort Washington, PA 19034

Defendant

CIVIL ACTION

NO. 02-cv-4489

AMENDED COMPLAINT

I. INTRODUCTION

1. This is an action for damages brought by a consumer pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. §1692 (hereinafter “FDCPA”) which prohibits collectors from engaging in abusive, deceptive and unfair practices. Defendant has attempted to improperly collect funds from the plaintiff for the payment of a debt that was owed by the plaintiff’s sister, in violation of the FDCPA.

2. Declaratory relief is available pursuant to 28 U.S.C. §2201 and §2202.

II. JURISDICTION

3. Jurisdiction arises under 15 U.S.C. §1692k and 28 U.S.C. §1337.

III. PARTIES

4. Plaintiff is Nadine Johnson. She is a consumer who resides in Philadelphia, Pennsylvania at the address captioned.

5. Defendant, NCO Financial Systems, Inc. (hereinafter "NCO") is believed to be a Pennsylvania business with a principal place of business as captioned.

6. The principal purpose of defendant NCO is the collection of debts using the mails and telephone and defendant NCO regularly attempts to collect debts alleged to be due another. NCO is a "debt collector" as that term is contemplated in the FDCPA, 15 U.S.C. §1692a(6).

IV. STATEMENT OF CLAIM

7. Beginning in January of 2002, collectors with the defendant, NCO, wrote to Jacquelyn Proctor with regard to a debt that was allegedly owed on a Mellon Bank Account.

8. On January 11, 2002, with the permission of the plaintiff, Nadine Johnson, Jacquelyn Proctor allowed the defendant NCO to withdraw, by use of electronic means, \$50.00 from a Sovereign Bank Account, Numbered 2181018855, that was owned by Nadine Johnson. This permission was given for a one time withdrawal from this account.

9. On February 9, 2002, the defendant, NCO wrote to Jacquelyn Proctor stating "the post dated check you authorized us to deposit in the amount of \$854.51 will be deposited on 2/18/02 and credited to your account." (See correspondence of February 9, 2002, attached as Exhibit "A").

10. On February 13, 2002, Jacquelyn Proctor called the defendant to inform them that she did not authorize any post dated check to be processed, as was stated in the February 9, 2002 correspondence attached as Exhibit "A".

11. On February 18, 2002, despite being notified that they had no authority to do so, the defendant, NCO, withdrew \$854.51, from the aforementioned Sovereign Bank Account of Nadine Johnson, Numbered 218101885.

COUNT I - FAIR DEBT COLLECTION PRACTICES ACT

12. Plaintiff repeats the allegations contained above as if the same were here set forth at length.

13. The acts by defendant described above violates the Fair Debt Collection Practices Act, in the following ways:

(a) In using false, deceptive, and misleading means in the connection with the collection of a debt by taking an action that cannot legally be taken in violation of 15 U.S.C. §1692e(5);

(b) In using unfair means to collect or attempt to collect a debt by the collection of funds not authorized by the agreement creating the debt or permitted by law, in violation of §1692f;

(c) In using unfair means to collect or attempt to collect a debt by taking funds from the plaintiff, Nadine Johnson's checking account without notifying her of the defendant's intent to do so, in violation of §1692f(2).

WHEREFORE, Plaintiff Nadine Johnson demands judgment against defendant NCO Financial Systems, Inc. for:

- (a) Actual Damages;
- (b) Statutory damages;
- (c) Attorney's fees and costs;

(d) A declaration that the conduct complained of violates the provisions of the FDCPA.

(e) Such other and further relief as the Court shall deem just and proper.

V. **DEMAND FOR JURY TRIAL**

Plaintiff demands a trial by jury as to all issues so triable.

Respectfully submitted:

Date: _____

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